

REMARKS

By this amendment, claims 1, 2, 5, 13, 14, 17 are revised, claims 3, 4, 15, and 16 are canceled, and new claims 29-43 are added to place this application in condition for allowance. Currently, claims 1, 2, 5-14, and 17-43 are before the Examiner for consideration on their merits.

In review, claim 1 is revised to include the limitation of claim 3 therein. Claim 2 is now revised to reflect the combination of claims 1 and 4. Claims 6-10 and 12 are duplicated as claims 29-34 and these new claims are made dependent on claim 2.

For the optical detection device claim 13, it is revised to include the limitations of claim 15. Claim 14 is rewritten as the combination of claims 13 and 16. Then, claims 18-22 are duplicated as new claims 35-39 but dependent on claim 14. Claim 24 is duplicated as new claim 40 but dependent on claim 14. Data input terminal claim 26 is duplicated as new claim 41 and dependent on claim 14. Claims 27 and 28, which are directed to the use of the method and device of claims 1 and 13, are duplicated to cover the use of the method and detection device of claims 2 and 14, respectively.

To summarize, each of method claim 1 and device claim 13 parallels each other as do claims 2 and 14. The remaining claims are all derived from these four claims. Found in each of claims 1, 2, 13, and 14 is the limitation that there are at least four emitters and receivers. Moreover, the arrangement of the emitters and receivers is further specified as being in an alternating and regular arrangement.

Turning now to the prior art rejection, all claims remain rejected under 35 U.S.C. § 103(a) based on the combination of Bures and Fujioka.

In traversing this requirement, Applicants wish to reiterate the previous argument that Bures does not use the light reflected on the object to determine the object's position. The failure of Bures or Fujioka to teach this aspect of the four independent claims means that a *prima facie* case of obviousness has not been established and the rejection must be withdrawn. As previously argued, Bures teaches a system wherein the stylus blocks the light emitted from the light source such that the receptors detect a shadow. This shadow detection allows the system to determine the location of the stylus.

In complete contrast to this, the method of claims 1 and 2 requires that the receiver measure a quantity of light reflected by the object when the object is illuminated. This measurement is then used in the step of calculating the characteristic values. This same limitation is found in claim 2 as well as the optical detection device claims 13 and 14.

In the Response to Arguments section of the rejection, the Examiner points to the "point of minimum signal reception or null or zero shadow" to support the contention that the step of measuring the quantity of light reflected by the object. Here, the Examiner is apparently taking the position that the claimed "quantity of light" reads on a zero value and is thus indistinguishable from the zero value or shadow used in Bures. The problem with this approach is that it reads "quantity of light" in the abstract and ignores the language that the quantity of light is that light reflected from the object and measured by the receiver. The receptors of Bures do not measure any reflected quantity of light from the object; they sense the absence of light. Because of this, Bures

cannot be said to teach or suggest either the method of claims 1 and 2 or the device of claims 13 and 14.

Fujioka does not supply the deficiencies in Bures in this regard. Thus, even if Fujioka were combined with Bures, the methods and devices of claims 1, 2, 13, and 14 would still not be taught.

The focus in the revised claims regarding the alternating and regular arrangement of the two emitters and at least two receivers coupled with the limitations of claims 3, 4, 15, and 16 raises another question of patentability as well. That is, does the combination of Bures and Fujioka teach a method and device wherein four emitters and receivers are present and the emitters and receivers are in an alternating and regular arrangement? Another issue is whether the features regarding calculating the characteristic value by averaging values measured by the receivers on each side of the emitter when only the emitter is turned on (claims 1 and 13) or calculating the characteristic value by averaging the values measured by the receiver when the emitters situated on each side of the receiver are turned on successively (claims 2 and 14) are taught or suggested by the applied prior art.

In the rejection, the Examiner alleges that Bures teaches an alternating and regular arrangement of emitters and receivers, citing the emitter LS and receivers X1R-X25R. However, this embodiment of Bures does not disclose two emitters and at least two receivers in an alternating and regular arrangement. At best, Bures teaches one emitter on the x axis that is surrounded by a number of receptors on each side. A second emitter is located on the y axis with similarly configured receptors. The Examiner cannot consider the combination of the x and y axis emitters and receptors in

Bures to be an alternating arrangement since there is no regular alternating pattern between emitters and receptors. While the emitters are spaced apart from each other with receptors in between, there is clearly no regular and alternating arrangement of emitters and receptors, i.e., emitter, receptor, emitter, etc. Therefore, this limitation is not met and a *prima facie* case of obviousness is not established against claims 1, 2, 13, and 14.

It is also submitted that the rejection is in error in asserting that the calculating step using average values measured by the receivers in either side of the emitters is obvious. The Examiner cites paragraphs [0050 and 0053] of Fujioka to support the contention that averaging values measured by receivers is known in the art. While it is true that Fujioka uses an average value when more than one receiver fails to detect light, the mere fact that Fujioka uses an average in this regard does not mean that it would be obvious to modify the method or device of Bures to include the claimed features regarding the calculating and manner of averaging. The reason that the reliance on Fujioka is flawed is that Bures does not teach a method or system that is similar to that claimed or that employed by Fujioka. Therefore, the fact that averaging takes place in Fujioka does not lead one of skill in the art to apply an averaging in Bures. Put another way, there is no reason to apply the averaging of Fujioka to Bures without resort to Applicants' invention as a teaching template.

Moreover, the averaging of the measured values as recited in the claims is not even remotely related to the averaging done by Fujioka. The claims recites the averaging in the context of values measured by the receivers on either side of the emitter when the emitter is turned on (claims 1 and 13) and when the emitters on each

side of the receiver are successively turned on (claims 2 and 14). The averaging of Fujioka is merely associated with the absence of light, not with respect to receivers on either side of an emitter. Therefore, even if the averaging of Fujioka were used in Bures, this averaging is not the same as that claimed. To continue to maintain the position that the claimed averaging is obvious is the use of hindsight. There is no factual basis to support the position that the claimed averaging is obvious based on the teaching of Fujioka and any further rejection of this nature could not be sustained on appeal.

To summarize, Bures and Fujioka fail to establish a *prima facie* case of obviousness against claims 1, 2, 13, and 14 for a number of reasons, i.e., the claim limitations regarding measuring a quantity of light are not present, the alternating and regular arrangement and number of emitters and receivers are not present, the averaging of Fujioka is not applicable to Bures, and even if Fujioka were combined with Bures, the averaging used in Fujioka is not the same as that claimed. Thus, the rejection based on Bures and Fujioka must be withdrawn.

Since claims 1, 2, 13, and 14 are patentable over the applied prior art, their respective dependent claims are also in condition for allowance.

Accordingly, the Examiner is requested to examine this application and pass all pending claims onto issuance.

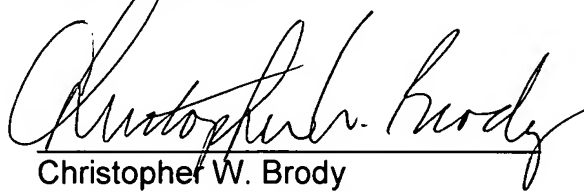
If the Examiner believes that an interview would be helpful in expediting the allowance of this application, the Examiner is requested to telephone the undersigned at 202-835-1753.

The above constitutes a complete response to all issues raised in the Office
Action dated December 4, 2007.

Again, reconsideration and allowance of this application is respectfully requested.

A check in the amount of \$690.00 is attached to cover the cost of the 3 additional
independent claims (\$315.00) and 15 additional claims (\$375.00). Please charge any
fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
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